

EXHIBIT A

Goodwin, Sarah J.

From: Elio F. Martinez <Elio.Martinez@gray-robinson.com>
Sent: Friday, October 10, 2025 2:41 PM
To: Broman, William K.
Cc: Bejin, Thomas; Francesca M. Russo; Goodwin, Sarah J.; Weiss, Gregory
Subject: Re: Seahawke Marine

Will:

Thank you for your email. I am traveling today but wanted to respond in a timely manner.

Please be advised that we will review your Motion once received and shall respond in due course.

Have a good weekend.

Regards,

Elio F. Martinez, Jr.
Sent from my iPhone

Elio F. Martinez
Shareholder

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On Oct 10, 2025, at 11:13 AM, Broman, William K. <WBroman@taftlaw.com> wrote:

This message originated outside of GrayRobinson.

Elio –

We intend to file a motion to vacate the default against Seahawke Marine early next week. I understand that you indicated to Mr. Andrew Lockton from McHale Slavin that Dinnteco does not believe there has been any excusable neglect that would justify vacating the default.

Dinnteco failed to serve the First Amended Complaint on an agent of Seahawke Marine. Instead, the affidavit of Dinnteco's process server indicates that the summons was served on David Rosati, an employee of Seahawke Rigging with no authorization to accept service on behalf of Seahawke Marine. (D.E. 29). As such, service of the First Amended Complaint was ineffective. See, e.g., Fed. R. Civ. P. 4(h); § 48.081, Fla. Stat.; *Sheringer v. Big Lots, Inc.*, 532 F.Supp.2d 1335, 1341-1342 (M.D.Fla. 2007) (Florida's "statutes governing service of process must be strictly construed, and valid service on a corporation may only be effected by complying with them").

Additionally, Plaintiff's motion for a Clerk's entry of default (D.E. 33) was never served on Seahawke Marine, despite the motion including a "Certificate of Service". The Certificate of Service states "I also certify that a true and correct copy of the foregoing document was served via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing on all counsel or parties of record on the Service List below." The Certificate of Service contains no Service List, and at the time the motion was filed, no counsel of record had yet appeared for Seahawke Marine to receive any Notice of Electronic Filing via CM/ECF. Further, Dinnteco has not filed an affidavit of service relative to D.E. 33.

The good cause standard of Fed. R. Civ. P. 55(c) is a lenient one. See, e.g., *Lewis v. Stabbert Maritime Yacht & Ship, Inc.*, 2005 WL 8154591 at *2 (S.D. Fla. Aug. 5, 2005); *Morford v. Cattelan*, 2022 WL 1084733 at *2 (S.D. Fla. Mar. 22, 2022), *report and recommendation adopted*, 2022 WL 1078942 (S.D. Fla. Apr. 11, 2022). Further, courts generally disfavor defaults due to a preference of determining cases on the merits. See *Sherrard v. Macy's Sys. & Tech. Inc.*, 724 F.App'x 736, 738 (11th Cir. 2018).

In view of Dinnteco's ineffective service of the First Amended Complaint on Seahawke Marine, Inc., apparent failure to serve the motion for Clerk's entry of default on Seahawke Marine, Inc., and the lenient good cause standard of Rule 55(c), please advise whether Dinnteco will agree to vacate the default against Seahawke Marine, Inc.

-Will

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